

CHRONOLOGY (Revised Draft)
San Diego Municipal Storm Water Permit
(Additions are underlined; deletions are struck-out)

1987**Clean Water Act Amended**

Amendment adds Section 402(p) which requires medium and large municipalities to obtain NPDES permits for storm water discharges from their municipal separate storm sewer systems, (MS4s).

July 16, 1990**Order No. 90-42, San Diego Municipal Storm Water Permit Adopted (by SDRWQCB)**

Order No. 90-42 is the existing municipal storm water permit to which the San Diego Copermittees are currently subject. Order No. 90-42 was an “early” permit, meaning that it was adopted prior to the issuance of the final federal NPDES storm water regulations. The permit was ~~as~~-adopted in advance of the final regulations for the purpose of providing the maximum amount of flexibility to Copermittees’ in implementing their first Urban Runoff Management Program. Although consistent with the federal NPDES storm water regulations, Order No. 90-42 was written in broad general terms and does not fully implement the federal regulations. Order No. 90-42 is a “first round” permit that was due to be renewed in 1995 and again in 2000. Order No. 90-42 has 33 pages (plus 3 pages of attachments). SDRWQCB also issues “early” permit to Orange and Riverside Counties. These are “first round” permits.

July 16, 1990**Orange and Riverside County Municipal Storm Water Permits Adopted (by SDRWQCB)**

SDRWQCB also issues “early” permits to portions of Orange and Riverside Counties within the San Diego Region. These are “first round” permits.

November 19, 1990**Federal NPDES Storm Water Regulations (Phase I) Promulgated**

The final Phase I storm water regulations (implementing section 402(p) of the Clean Water Act) are promulgated and codified at 40 CFR 122.26. Phase I regulations require large and medium-sized MS4s (and many industrial

categories) to obtain NPDES permits for storm water discharges. Municipal dischargers must implement comprehensive Urban Runoff Management Programs.

1990 - 2000

San Diego Copermittee Meetings Attended

SDRWQCB staff consistently participates in these routine monthly to bimonthly meetings held by the San Diego Copermittees. Meeting discussions cover the Copermittees' implementation of their Urban Runoff Management Programs and other related issues. The requirements of the upcoming draft renewal storm water permit (including Tentative Order No. 2001-01) are frequently discussed. To date, SDRWQCB staff has participated in roughly 100 of these meetings.

Early 1991

Water Quality Objectives Debate Begins

This lengthy national debate centered on whether MS4 dischargers should be subject to water quality objectives.

1991

State Water Resources Control Board (SWRCB) Issues Two Decisions on Water Quality Objectives in MS4 Permits (Orders WQ 91-03 and WQ 91-04)

SWRCB concludes that MS4 dischargers must meet water quality objectives. Best Management Practices (BMPs) may be used in lieu of numeric effluent limits.

April 1993

San Marcos City Council Adopts Formal Resolution Suspending Implementation of Requirements Contained in Order No. 90-42

In light of Resolution, SDRWQCB threatens enforcement action against City of San Marcos unless City submits a written statement committing to fully implement Order No. 90-42. City of San Marcos submits written statement of commitment to fully implement Order No. 90-42.

December 1993

San Diego County Board of Supervisors Asks Other Copermittees to Join Them in a Boycott of the Requirements Contained in Order No. 90-42

In light of threatened boycott, SDRWQCB threatens enforcement action against County unless County

submits a written statement committing to fully implement Order No. 90-42. County submits written statement of commitment to implement Order No. 90-42.

January 1995

San Diego Copermittees Submit Application for Storm Water Permit Renewal

May 19, 1995

First Draft of Renewal San Diego Municipal Storm Water Permit Released
1995 draft contains 39 pages (plus 31 pages of attachments).

June – July 1995

Receipt of Comments on First Draft
Approximately 150 pages of comments received on first draft of San Diego municipal storm water permit.

July 1995

Presentation to Imperial Beach City Council on MS4 Permit and Storm Water Assessment Fee
By Deborah Jayne

January 1996

Presentation to SANDAG Board of Directors on Requirements for New Development
By Deborah Jayne

February 1996

Presentation to APWA on Urban Runoff and Storm Water Permits
By Deborah Jayne

May 1996

Presentation to San Diego City Council (Natural Resources and Cultural Committee) on Increasing Funding for Storm Water Education and MS4 Permit Requirements
By John Robertus and Deborah Jayne

May 1996

Presentation to Carlsbad City Council on MS4 Permit and Storm Water Assessment Fee
By Deborah Jayne

May 1996

Presentation to City of Carlsbad's Planning and Engineering Staff on MS4 Permit
By Deborah Jayne

July 1996

Presentation to San Marcos City Council on MS4 Permit and Storm Water Assessment Fee

By Deborah Jayne

August 8, 1996

Renewal Orange County Municipal Storm Water Permit (Order No. 96-03) Adopted (by SDRWQCB)

This is a “second round” permit. Permit subsequently appealed primarily on the basis of water quality objectives language.

February and March 1997

Two presentations to Senator Bilbray’s Staff on Beach Closures and MS4 Permit

By Deborah Jayne

March 1997

Caltrans Municipal Storm Water Permit (Order No. 97-08) Adopted (by SDRWQCB)

This is a “first round” permit. Permit subsequently appealed primarily on the basis of water quality objectives language.

March 1997

Presentation to La Jolla Town Council at UCSD on Beach Closures and MS4 Permit

By Deborah Jayne

April 1997

Presentation to Regulated Community on MS4 Permit Compliance

By Deborah Jayne

April 1997

Presentation to United States Environmental Protection Agency (USEPA) Headquarters (Storm Water Committee) on Water Quality Objectives in MS4 Permits

By Deborah Jayne

April and May 1997

Two Presentations to SANDAG Committee on Requirements for New Development

By Deborah Jayne

May 1997

Presentation to State Storm Water Quality Task Force on Water Quality Objectives in MS4 Permits

By Deborah Jayne

June 1997

Presentation to Sewering Collection Agencies on MS4 Permit

By Deborah Jayne

September 1997	Presentation to Joint State Assembly Committee on Non-point Source Pollution and MS4 Permit By Deborah Jayne
October 1997 – March 1998	Working Group on Draft San Diego Municipal Storm Water Permit Convened SDRWQCB convenes a working group of Copermittees and stakeholders to resolve controversial issues in San Diego Municipal Storm Water Permit (second draft). Approximately 15 meetings were conducted.
December 1997	Presentation to Regulated Community on MS4 Permit Compliance at State Ombudsman’s Meeting By Deborah Jayne
January 1998	SWRCB Issues Third Decision on Water Quality Objectives in MS4 Permits (Order WQ 98-01) SWRCB establishes precedent setting language to be included in all future MS4 permits. The language clearly requires MS4 dischargers to meet water quality objectives.
May 13, 1998	Renewal Riverside County Municipal Storm Water Permit (Order No. 98-02) Adopted (by SDRWQCB) This is a “second round” permit. Permit subsequently appealed <u>primarily on the basis of water quality objectives language</u> .
October 16, 1998	Second Draft of Renewal San Diego Municipal Storm Water Permit Released <u>1998 draft contains 26 pages (plus 17 pages of attachments).</u>
November 1998	Receipt of Comments on Second Draft Approximately 50 pages of comments received on second draft of San Diego municipal storm water permit.
June 1999	SWRCB Issues Fourth Decision on Inclusion of Water Quality Objectives in MS4 Permits (Order WQ 99-05) SWRCB modifies language established in Order WQ 98-01 to meet objections by USEPA. Resulting

language, requiring MS4 dischargers to meet water quality objections, is strengthened.

Fall 1999

US Court of Appeals for the Ninth Circuit Upholds USEPA's Requirement for MS4 Dischargers to Meet Water Quality Objectives
Court upholds USEPA's requirement on the basis of USEPA's discretion, rather than on the basis of strict compliance with the Clean Water Act.

October 14, 1999

SWRCB Issues Final Position on Inclusion of Water Quality Objectives in MS4 Permits
SWRCB affirms previous decision to include water quality objectives in all future MS4 permits using precedent setting language established in SWRCB Order No. WQ 99-05.

December 1999

Federal NPDES Regulations for Storm Water Phase II Promulgated
Phase II regulations require small municipalities and other state and federal agencies (including the Department of Defense) to obtain MS4 permits for their discharges of storm water. Municipal dischargers must implement "six minimum measures".

January 2000

Los Angeles Regional Water Quality Control Board (LARWQCB) Adopts Standard Urban Storm Water Mitigation Plans (SUSMPs) for MS4 Dischargers
Standard Urban Storm Water Mitigation Plans (SUSMPs) containing numeric sizing criteria are controversial requirements for new development and significant redevelopment to employ post-construction BMPs.

March 8, 2000

First Public Workshop on Standard Urban Storm Water Mitigation Plans (SUSMPs) Conducted by SDRWQCB
The purpose of this workshop was to seek guidance on whether SUSMP and numeric sizing criteria requirements should be included in the "soon to be released" third draft of the renewal San Diego Municipal Storm Water Permit, Tentative Order No. 2000-01. Comments by technical experts and the public are heard. The SDRWQCB directs staff to

include SUSMP requirements (and numeric sizing criteria) in Tentative Order No. 2000-01. The SDRWQCB directs staff to conduct two additional workshops on the SUSMP requirements.

March 10, 2000

Presentation to State Storm Water Quality Task Force on Standard Urban Storm Water Mitigation Plans (SUSMPs) in Upcoming San Diego MS4 Permit
By Deborah Jayne

April 13, 2000

Second Public Workshop on Standard Urban Storm Water Mitigation Plans (SUSMPs)
Conducted by SDRWQCB
Presentations on SUSMP requirements and numeric sizing criteria provided by staff. Public comments received.

April 17, 2000

Presentation to Women's Environmental Council on Requirements of Tentative Order No. 2001-01
By Deborah Jayne.

April 2000

Presentation at National Watershed Conference on Requirements of Tentative Order No. 2001-01.
By Deborah Jayne.

May 2000

Presentation to American Public Works Association (APWA) on Requirements of Tentative Order No. 2001-01
By Phil Hammer and Jane Ledford.

July 2000 – September 2000

Participation in City of San Diego's SUSMP Stakeholder Group
Regional Board staff participates in this stakeholder group convened by the City of San Diego to clarify SUSMP requirements. Presentations by Deborah Jayne and Phil Hammer on the SUSMP requirements ~~are made~~ and numeric sizing criteria.

September 8, 2000

Presentation to Storm Water Quality Task Force on Beach Closures and MS4 Permit
By Wayne Baglin

October 5, 2000**SWRCB Upholds LARWQCB Adoption of SUSMPs (Order WQ 2000-11)**

In Order WQ 2000-11, the SWRCB upholds most of the LARWQCB's SUSMP requirements which were previously under appeal. SDRWQCB staff attends approximately four public hearings on the adoption and appeal of the LARWQCB's SUSMP requirements.

October 11, 2000**Tentative Order No. 2001-01, Third Draft of Renewal San Diego Municipal Storm Water Permit, Released**

~~Includes fact sheet/technical report and attachments. Although it should be a "third round", when adopted,~~ Tentative Order No. 2001-01 will be a "second round" permit ~~(Order No. 90-42 should have been renewed in 1995 and again in 2000).~~ Tentative Order No. 2000-01 reflects SDRWQCB's response to all comments/questions received to date on previous drafts. Tentative Order No. 2001-01 contains 50 pages (plus 30 pages of attachments).

October 11, 2000**Presentation to SDRWQCB Members on the Proposed Adoption Schedule for Tentative Order No. 2001-01**

A status report was presented to the SDRWQCB members regarding the proposed adoption schedule for Tentative Order No. 2001-01.

October 19, 2000**First Public Workshop on Tentative Order No. 2001-01 conducted by SDRWQCB**

Staff presents general information on Tentative Order No. 2000-01 requirements. Staff ~~also~~ receives and responds to numerous comments/questions regarding the Tentative Order. ~~and orally responded to the comments/questions.~~ Participants vote on "priority issues" for second workshop.

October 27, 2000**Presentation to SANDAG Board of Directors on Requirements of Tentative Order No. 2001-01.**

By Phil Hammer.

November 2, 2000**Second Public Workshop on Tentative Order No. 2001-01 conducted by SDRWQCB**

Staff receives and responds to comments/questions on the "priority issues" of the Tentative Order (as

~~voted by Workshop I participants). and responds to the comments/questions.~~

November 13, 2000

Presentation to Del Mar City Council on Tentative Order No. 2001-01 Requirements
By John Robertus and Phil Hammer.

November 16, 2000

Third Public Workshop on Tentative Order No. 2001-01 conducted by SDRWQCB
Staff presents proposed changes to the Tentative Order, based on comments received at previous two workshops on the Tentative Order. Staff responds to additional comments.

November 27, 2000

SDRWQCB Staff Meet With County of San Diego Staff to Discuss Tentative Order No. 2001-01 Requirements

November 30, 2000

Written Comment Period for Tentative Order No. 2001-01 Closes
The written comment period for Tentative Order No. 2001-01 ends at close of business on November 30, 2000.

November 30, 2000

Presentation to Oceanside Utilities Commission on Tentative Order No. 2001-01 Requirements
By John Robertus.

December 6, 2000 (planned)

Presentation to the County of San Diego Board of Supervisors on Tentative Order No. 2001-01 Requirements
By John Robertus and Wayne Baglin.

December 6, 2000 (planned)

Presentation to the Encinitas City Council on Tentative Order No. 2001-01 Requirements
By John Robertus and Phil Hammer.

December 12, 2000 (planned)

Presentation to the La Mesa City Council on Tentative Order No. 2001-01 Requirements
By John Robertus and Phil Hammer.

December 13, 2000 (planned)

SDRWQCB Conducts Public Hearing on Tentative Order No. 2001-01
SDRWQCB will hear public testimony on Tentative Order No. 2001-01. The public comment period for

Tentative Order No. 2001-01 is scheduled to close
at conclusion of public hearing.

December 14, 2000 (planned)

**Presentation to the Poway City Council
on Tentative Order No. 2001-01 Requirements**
By John Robertus and Phil Hammer.

February 14, 2001 (planned)

**SDRWCB Considers Adoption of Tentative
Order No. 2001-01**